

**IN THE  
SUPREME COURT OF INDIANA**

**CASE NUMBER:**

**ORDER AMENDING INDIANA JURY RULES**

Under the authority vested in this Court to provide by rule for the procedure employed in all courts of this state and this Court's inherent authority to supervise the administration of all courts of this state, Rules 6, 7, 9, and 20 of the Indiana Jury Rules are amended to read as follows (deletions shown by ~~striking~~ and new text shown by underlining):

**INDIANA JURY RULES**

...

**RULE 6. EXEMPTION**

A person who has completed a term of jury service in the ~~year~~ twenty-four (24) months preceding the date of the person's summons may claim exemption from jury service. Only those exemptions expressly provided by statute, narrowly construed, are permitted.

**RULE 7. DEFERRAL**

The judge or judge's designee may authorize deferral of jury service for up to one (1) year upon a showing of ~~undue~~ hardship, extreme inconvenience, or ~~public~~ necessity.

...

**RULE 9. TERM OF JURY SERVICE**

(a) A person who appears for service as a petit juror serves until the conclusion of the first trial in which the juror is sworn, regardless of the length of the trial or the manner in which the trial is disposed. A person who appears for service by reporting to the courthouse and being recorded as present for jury service and not deferred but is not selected and sworn as a juror completes the person's service when jury selection is completed; provided, however, jurors who are called for jury service are eligible to serve in any court in that county on the day summoned.

(b) A person who:

- (1) serves as a juror; or
- (2) serves until jury selection is completed, but is not chosen to serve as a juror;

may not be selected for another jury panel until all nonexempt persons in the jury pool for that year have been called for jury duty.

(c) A person who serves until jury selection is completed, but is not chosen to serve as a juror may be placed back in the jury pool and eligible for additional terms of service upon making a written request to the court.

...

## **RULE 20. PRELIMINARY INSTRUCTIONS**

(a) The court shall instruct the jury before opening statements by reading the appropriate instructions which shall include at least the following:

- (1) the issues for trial;
- (2) the applicable burdens of proof;
- (3) the credibility of witnesses and the manner of weighing the testimony to be received;
- (4) that each juror may take notes during the trial and paper shall be provided, but note taking shall not interfere with the attention to the testimony;
- (5) the personal knowledge procedure under Rule 24;
- (6) the order in which the case will proceed;
- (7) that jurors may seek to ask questions of the witnesses by submission of questions in writing;
- (8) that jurors are permitted to discuss the evidence among themselves in the jury room during recesses from trial when all are present, as long as they reserve judgment about the outcome of the case until deliberations commence. The court shall admonish jurors not to discuss the case with anyone other than fellow jurors during the trial.

(b) It is assumed that the court will cover other matters in the preliminary instructions.

(c) The court shall provide each juror with the written instructions while the court reads them.

...

These amendments shall take effect January 1, 2005.

The Clerk of this Court is directed to forward a copy of this order to the clerk of each circuit court in the state of Indiana; Attorney General of Indiana; Legislative Services Agency

and its Office of Code Revision; Administrator, Indiana Supreme Court; Administrator, Indiana Court of Appeals; Administrator, Indiana Tax Court; Public Defender of Indiana; Prosecuting Attorney's Council; Indiana Supreme Court Disciplinary Commission; Indiana Supreme Court Commission for Continuing Legal Education; Indiana Board of Law Examiners; Indiana Judicial Center; Division of State Court Administration; Indiana Judges and Lawyers Assistance Program; the libraries of all law schools in this state; the Michie Company; and the West Group.

The West Group is directed to publish this Order in the advance sheets of this Court.

The Clerks of the Circuit Courts are directed to bring this Order to the attention of all judges within their respective counties and to post this Order for examination by the Bar and general public.

DONE at Indianapolis, Indiana, this \_\_\_\_\_ day of September, 2004.

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Randall T. Shepard  
Chief Justice of Indiana

All Justices concur.